

**Before the
Federal Communications Commission
WASHINGTON, D.C. 20554**

In the Matter of

Improving Public Safety Communications in the
800 MHz Band

Consolidating the 900 MHz Industrial/Land
Transportation and Business Pool Channels

WT Docket No. 02-55

COMMENTS OF MOTOROLA, INC.

Motorola, Inc. (“Motorola”) respectfully submits these comments in the above captioned proceeding in response to the Commission’s Public Notice seeking comment on *ex parte* presentations submitted by Nextel in which Nextel seeks clarification and/or modification of certain aspects of the Commission’s *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, FCC 04-168 (800 MHz Order).¹ As an equipment supplier, Motorola has participated throughout this proceeding in providing technical information related to the causes and resolution of interference. Motorola is also working with its customers that are impacted by the 800 MHz Order to help them understand the impact of the Order and begin planning for implementation. Motorola is pleased to submit these comments and offer our help to ensure that the Commission’s 800 MHz Order is implemented in an effective and efficient manner while maintaining reliable communications throughout the transition.

¹ Commission Seeks Comment on *Ex Parte* Presentations and Extends Certain Deadlines Regarding the 800 MHz Public Safety Interference Proceeding, WT Docket No. 02-55, released October 22, 2004, FCC 04-253.

In its September 16, 2004 *ex parte* filing, Nextel describes a number of areas where it believes clarification of the Commission's 800 MHz Order would serve the public interest by enabling the 800 MHz rebanding effort to be achieved in the time frame sought by the Commission and with minimal disruption to 800 MHz incumbents.² Motorola would like to express its strong support for a number of the clarifications sought.

The Rebanding Process

Nextel seeks clarification to ensure that there is sufficient operational flexibility in the rebanding process to allow incumbent systems to be retuned in a way that maximizes capacity and minimizes disruption during the retuning process. For example, Nextel seeks confirmation that it may operate on 800 MHz vacant or vacated channels below 817/862 MHz during the transition process. Nextel would fully vacate the channel following completion of the rebanding process on a region-by-region basis. Motorola supports such a clarification and believes that it is important for incumbent licensees to have some flexibility in implementing the rebanding procedure. Nextel and other licensees will need sufficient spectrum to manage the day-to-day traffic demands of customers and users during the transition and providing flexibility on channel usage during the process will be important to minimize any disruption.

Motorola also supports the Commission providing clarification with respect to procedures in the rebanding process, including that the Transition Administrator, Nextel and incumbent licensees have the discretion to adjust the reconfiguration process to take

² Letter dated September 16, 2004, from Regina M. Keeney, Counsel to Nextel Communications, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission.

account of local or regional characteristics to achieve band reconfiguration as efficiently as possible. Motorola agrees with Nextel that direct negotiations among concerned parties are critical to effect the rebanding, and Motorola also agrees that Nextel's obvious interest in the rebanding process and its cost makes it appropriate for Nextel to participate in such direct negotiations. Motorola also believes that, in the interest of public safety and expeditious implementation of the rebanding plan, these direct negotiations must include the equipment manufacturer, who will be an indispensable information source. The best results will be achieved if direct negotiations include all of the critical parties, the licensee, Nextel and the original equipment manufacturer. Implementation of a complete rebanding of 800 MHz systems is an ambitious undertaking and it is critical that the reliability and continuity of communications be maintained throughout the transition. Many systems contain a mix of older and newer radios and infrastructure and it will be necessary to include equipment manufacturers with their detailed knowledge about the design and capabilities of products and how they interact and interrelate to ensure as smooth, efficient and timely a transition as possible. The equipment manufacturer is best suited to provide this information. It is important, therefore, that the manufacturer participates in the discussions with the licensee and Nextel as the process, timing and costs for rebanding a particular system are developed.

While the ultimate control over a system, and decisions regarding the equipment and process used to transition to the new band plan, must continue to rest with the licensee, it is important that the licensee have sufficient and accurate information to make an informed decision. Much of this information resides with the equipment manufacturer. Direct negotiations among all three of these principal parties – the

licensee, the equipment manufacturer and Nextel, will facilitate the most efficient and effective rebanding process and will provide the best assurances that communications can be maintained throughout the transition. The process should also be open as much as possible to the Transition Administrator so that it is in a position to act effectively as a negotiating intermediary as suggested by Nextel. Motorola has begun a process to reach out to and educate its customers regarding the rebanding process and to help them understand how it will impact their system. Motorola has also had discussions with Nextel regarding the need to retune, reprogram, or replace equipment depending on the specific circumstances and radio model. We intend to continue to work with all of these parties, and to share as much information as possible with the Transition Administrator, so that rebanding can proceed in a timely and smooth manner.

Comparable Facilities

The Commission states that licensees must receive “comparable facilities” as part of the relocation process, as describe in paragraph 201 of the *800 MHz Order*:

All relocating licensees shall be relocated to comparable facilities. Comparable facilities are those that will provide the same level of service as the incumbent's existing facilities, with transition to the new facilities as transparent as possible to the end user. Specifically, (1) equivalent channel capacity; (2) equivalent signaling capability, baud rate and access time; (3) coextensive geographic coverage; and (4) operating costs. If the reconfiguration of a licensee will entail a significant interruption of service during the relocation process, Nextel will fund the installation of a redundant system. [footnotes omitted]

Motorola believes that this is an important part of the Commission's decision and it will be relatively straightforward in most cases to ensure that comparable facilities are provided for smaller single-site systems. However, in relocating larger, multi-site

systems, simulcast systems, or where a significant number of radio units require replacement, it will be more difficult to ensure that the comparable facility requirement is met. In these cases, Motorola believes that including a baseline analysis with respect to the coverage and operations of the system may be necessary to accurately assess whether the comparable facility standard is met. Motorola intends to work cooperatively with the Transition Administrator, Nextel and licensees to develop a standardized process for determining compliance with the comparable facilities requirement.

Other Issues

In reviewing the *800 MHz Order* Motorola has identified a number of relatively minor additional areas where clarification by the Commission would be helpful. One such issue is with respect to Mutual Aid channels. Section 90.617(a)(1) was amended in the *800 MHz Order* but did not include the channel designations for the Mutual Aid channels. We believe that in non-border areas, channels: 1, 39, 77, 115, and 153, which correspond to the existing channels, are the appropriate designations, but are requesting clarification. The channel spacing for these channels appears to accommodate 25 kHz channels, consistent with the current mutual aid channels.³

Conclusion

Motorola is pleased to submit these comments regarding clarifications that will help in the rebanding process. Motorola intends to work with its customers, the Transition Administrator and the Commission throughout the band reconfiguration to

³ See revised Section 90.613 as adopted in the *800 MHz Order*.

help ensure that the Commission's *800 MHz Order* is implemented in the most effective and efficient manner while maintaining reliable communications for public safety throughout the transition.

Respectfully submitted,

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